

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DARAIUS DUBASH and)	
)	
DR. FARAZ HARSINI,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	CIVIL ACTION NO. 4:23-cv-03556
)	
CITY OF HOUSTON, TEXAS;)	
)	
HOUSTON DOWNTOWN PARK)	Hon. Andrew S. Hanen
CORPORATION;)	
)	
and)	
)	
DISCOVERY GREEN CONSERVANCY)	ORAL ARGUMENT REQUESTED
f/k/a HOUSTON DOWNTOWN PARK)	
CONSERVANCY;)	
)	
<i>Defendants.</i>)	

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs Daraius Dubash and Dr. Faraz Harsini, through their undersigned counsel, respectfully move under Federal Rule of Civil Procedure 65 for a preliminary injunction against Defendants City of Houston, Houston Downtown Park Corporation, and Discovery Green Conservancy, as to Counts 1, 2, 5, and 6 their Complaint (ECF 1), namely:

1. Defendants have unlawfully prohibited and are unlawfully prohibiting speech in a traditional public forum in violation of the Free Speech Clause (Count 1);
2. Defendants have enforced and are enforcing an unlawful prior restraint on Plaintiffs' protected speech in violation of the Free Speech Clause (Count 2);
3. Defendants have suppressed and are suppressing Mr. Dubash's religious practice in

violation of the Free Exercise Clause (Count 5) and the Texas Religious Freedom Restoration Act (Count 6).

Thus, Plaintiffs ask that the Court preliminarily enjoin and prohibit Discovery Green Conservancy, Houston Downtown Park Corporation, and the City of Houston (including the Houston Police Department), and their officers, agents, servants, employees, and those persons in active concert or participation with them, from:

1. imposing or enforcing content-based or viewpoint-based restrictions, rules, or restraints (including those based on speech being “offensive”) against images of industrial animal practices and other protected images of animal treatment, masks worn by those engaged in expressive lawful activity, and speech concerning the treatment of animals, in Discovery Green and the public areas around Discovery Green.
2. substantially burdening Plaintiff Daraius Dubash’s sincerely held religious beliefs by preventing him from lawfully sharing the message of *ahimsa* by engaging in speech and expressive conduct in Discovery Green and the public areas around Discovery Green.

In support of this Motion, Plaintiffs rely on the accompanying Memorandum of Law, exhibits, and declarations. As Plaintiffs show in their Memorandum, they are entitled to immediate and preliminary injunctive relief because (1) Plaintiffs are substantially likely to succeed on the merits of their claims, (2) Plaintiffs are and will continue to suffer irreparable harm in the loss of their rights absent immediate relief from this Court, (3) the balance of equities decidedly tips in favor of protecting Plaintiffs’ rights, and (4) the public interest always supports upholding the Constitution.

In light of the constitutional issues involved, as well as questions that may arise from the

videotaped interactions described in the accompanying memorandum of law and declarations, Plaintiffs believe oral argument would assist the Court in deciding the motion. In addition, undersigned counsel submits that a motion hearing would be a beneficial educational experience for the law school students assisting in this case.

A proposed order is attached.

Dated: October 20, 2023

Respectfully submitted,

/s/ John Greil
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Attorneys for Plaintiffs
Daraius Dubash and
Dr. Faraz Harsini

CERTIFICATE OF CONFERENCE

I certify that Plaintiffs' counsel attempted to confer on this motion by email on October 17, 2023, with Melissa Azadeh, an attorney with the City of Houston Legal Department who signed the waiver of service forms for both Defendant City of Houston and Defendant Houston Downtown Park Corporation (ECF 11-12). Ms. Azadeh relayed that neither her nor her department were authorized to confer on behalf of either of those Defendants.

I also certify that Plaintiffs' counsel conferred with Richard Whiteley, counsel for Defendant Discovery Green Conservancy, on October 19, 2020. The parties discussed resolution of the issues in this motion in good faith. They were unable to resolve the issues, but agreed to continue good-faith discussions to resolve or narrow the issues in this motion.

/s/ John Greil
John Greil

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2023, I electronically filed the foregoing Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction with the Clerk of the United States District Court for the Southern District of Texas using the CM/ECF system.

I also served copies by email on the same date to the following:

Melissa Azadeh
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/s/ John Greil
John Greil